

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IGNACIO COBOS,

Plaintiff,

vs.

BENTON COUNTY JAIL, C/O
WIDENER, C/O HORTON, OFFICER
RUNGE, and OFFICER PETERS,

Defendants.

NO. CV-06-5008-CI

REPORT AND RECOMMENDATION TO DENY
MOTIONS

BEFORE THE COURT on Report and Recommendation are Plaintiff's "Motion for an Order Directing the U.S. Marshals to Investigate" (Ct. Rec. 9), an "Emergency Motion for Detention in a Different Facility" (Ct. Rec. 10) and his "Ex-Parte Motion to Access an Adequate Law Library" (Ct. Rec. 13). Plaintiff, a prisoner at the Benton County Jail, is proceeding *pro se* and in *forma pauperis*; Defendants have not been served.

By separate Order the court advised Mr. Cobos of the deficiencies of his complaint and directed the return of numerous "exhibits" improperly submitted to the court. Plaintiff has not filed a legally sufficient complaint.

Plaintiff is advised the court has no jurisdiction to address his motions until he has filed a legally sufficient complaint. See

1 generally Fed. R. Civ. P. 3 and the notes following the rule.
2 Furthermore, Defendants are not parties to a suit before being served
3 with process, *see Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995).
4 Accordingly, **IT IS RECOMMENDED** Plaintiff's Motions (Ct. Recs. 9, 10
5 and 13) be **DENIED**. **IT IS FURTHER RECOMMENDED** the "Exhibits" A-K,
6 attached to the Emergency Motion (Ct. Rec. 10) be returned to Mr.
7 Cobos.

8 **OBJECTIONS**

9 Any party may object to a magistrate judge's proposed findings,
10 recommendations or report within ten (10) days following service with
11 a copy thereof. Such party shall file with the District Court
12 Executive all written objections, specifically identifying the
13 portions to which objection is being made, and the basis therefor.
14 Attention is directed to Fed. R. Civ. P. 6(e), which adds another
15 three (3) days from the date of mailing if service is by mail.

16 A district judge will make a *de novo* determination of those
17 portions to which objection is made and may accept, reject, or modify
18 the magistrate judge's determination. The district judge need not
19 conduct a new hearing or hear arguments and may consider the
20 magistrate judge's record and make an independent determination
21 thereon. The district judge may also receive further evidence or
22 recommit the matter to the magistrate judge with instructions. See 28
23 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 73, and LMR 4, Local
24 Rules for the Eastern District of Washington. A magistrate judge's
25 recommendation cannot be appealed to a court of appeals; only the
26 district judge's order or judgment can be appealed.
27

1 The District Court Executive is directed to enter this Report and
2 Recommendation and forward a copy to Plaintiff.

3 DATED March 27, 2006.

4
5 S/ CYNTHIA IMBROGNO
6 UNITED STATES MAGISTRATE JUDGE
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